

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YANITA KUZOVA, *et al.*,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants.

Case No. 2:10-cv-01711-GMN-GWF

ORDER

Motion to Allow Discovery (#53)

This matter comes before the Court on Plaintiff's Motion to Allow Discovery (#53), filed on September 18, 2011, and Defendant's Memorandum of Points and Authorities in Opposition to Plaintiff's Motion to Allow Discovery (#51), filed on October 6, 2011.

On August 3, 2011, the Court entered an Order (#44) staying all discovery in this matter until further order of the Court. The Court entered the Order "based on the foregoing potentially dispositive motion [Defendant's Motion to Dismiss (#30)] and threshold issues pending before the District Court," finding "that a stay of discovery in this case is appropriate as it will prevent the wasting of time and effort of all concerned, and will make the most efficient use of judicial resources." (*See* # 44.) After the stay was entered, Plaintiff filed an Amended Complaint (#47). On September 7, 2011, the Court entered a Minute Order (#48), denying Defendant's Motion to Dismiss (#30) as moot in light of the Amended Complaint.

On September 18, 2011, Plaintiff filed a Notice (#49), informing the Court that the administrative proceedings against Plaintiff Kuzova had been closed. Plaintiff also filed this Motion to Allow Discovery (#53), requesting that the Court allow discovery "in light of the procedural posture of the case," and further requesting that the Court order Defendant to serve their 26(a) disclosures. Subsequently, on September 21, 2011, Defendant filed a Motion to Dismiss

1 Plaintiff's Amended Complaint (#50). In this Motion, Defendant argues that all of Plaintiff's
2 claims should be dismissed for lack of jurisdiction and for failure to state a claim upon which relief
3 can be granted.

4 Although there has been recent activity in this case since the Court entered the order to stay
5 discovery, the posture of the case is nearly the same as when the Court ordered the stay of
6 discovery. There is currently a dispositive motion pending before the Court arguing threshold issues
7 such as lack of jurisdiction. The Court therefore finds no reason to lift the stay and allow discovery
8 to proceed in this matter. A stay of discovery in this case continues to be appropriate as it will
9 prevent the wasting of time and effort of all concerned, and will make the most efficient use of
10 judicial resources. Accordingly,

11 **IT IS SO ORDERED** that Plaintiff's Motion to Allow Discovery (#53) is **denied**. The
12 parties shall not engage in any discovery until further order of this Court.

13 DATED this 20th day of October, 2011.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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